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11 Attorneys for Debtor/Plaintiff
KINGSBOROUGH ATLAS TREE SURGERY, INC.
12

13 UNITED STATES BANKRUPTCY COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 In Re:
16 Kingsborough Atlas Tree Surgery, Inc.
17 Debtor.
18

Case No. 25-10088 WJL
Chapter 11

19 Kingsborough Atlas Tree Surgery, Inc.
20 Plaintiff,
21

AP No. 25-01005

21 vs.
22 Anvil Power, Inc., a California corporation,
Anvil Equipment Company LP, a
23 California limited partnership, Anvil
Builders, a California corporation, Anvil
24 Holdings, Inc., a California corporation,
Anvil Group, LLC, a California limited
25 liability company, Alan Guy, an individual,
26 Defendants.
27

STATUS CONFERENCE STATEMENT

Date: May 14, 2025
Time: 10:30 a.m.
Place: Via Zoom

28 ///

1 Plaintiff Kingsborough Atlas Tree Surgery, Inc. hereby submits the following Status
2 Conference Statement:

3 **BACKGROUND AND STATUS**

4 On March 20, 2025, Kingsborough Atlas Tree Surgery, Inc. ("Debtor") filed an adversary
5 proceeding in the above referenced bankruptcy proceeding and a motion seeking injunctive relief
6 from Defendants as follows:

7
8 (1) Enjoining Defendants from transferring, changing, disbursing,
9 dissipating, converting, conveying, pledging, assigning, encumbering,
10 foreclosing, using, wasting, or otherwise disposing of any interest in any of
11 Debtor's equipment at issue; and

12
13 (2) Requiring Defendants to immediately turn over to Debtor possession
14 of equipment belonging to Debtor and in Defendants' possession.

15
16 The hearing on Debtor's application for injunctive relief was set for March 26, 2025.
17 While Defendants initially opposed the injunctive relief, Defendants did agree unilaterally to
18 return and turnover equipment and vehicles belonging to Debtor without further order from the
19 Court. However, Defendants conditioned their willingness to return equipment and vehicles to
20 those items located in Defendants' nearby Windsor, California location, and advised Debtor that
21 it would have to make its own arrangements to retrieve equipment and vehicles located out of the
22 area.

23
24 The Court continued the hearing for a status conference to April 2, 2025, and again to
25 May 14, 2025, for final resolution of the matter.

26
27 Since March 26, 2025, Defendants have returned equipment and vehicles in their
28 possession located nearby in their Windsor Yard in Sonoma County to Debtor's facility in Santa
Rosa, also in Sonoma County.

Unfortunately, the parties continue to disagree whether Debtor should bear the expense of
retrieving equipment in Defendants' possession located out of the area in more distant or remote
parts of California or whether Defendants should return the equipment they have in their
possession.

The parties have discussed their competing views but have not reached any consensus.

1 Debtor has also asked for an updated list of equipment with more specific information as to
2 locations, but Defendants have not yet provided such information.

3 Debtor respectfully requests Court order Defendants to return the equipment and vehicles
4 in their possession. The cost to Debtor is prohibitive to retrieve equipment and vehicles in
5 various regions of the state. Since Defendants took possession and removed the equipment and
6 vehicles in question from Sonoma County, it is reasonable that Defendants should bear the
7 expense of returning such items to Debtor's Sonoma County location.

8
9 Dated: May 13, 2025

CARLE, MACKIE, POWER & ROSS LLP

10
11
12 By: 

Philip J. Terry
Kimberly Corcoran
Attorneys for Plaintiffs
KINGSBOROUGH ATLAS TREE
SURGERY, INC., RICHARD
KINGSBOROUGH, and
CINDY KINGSBOROUGH

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PROOF OF SERVICE

I am a citizen of the United States. My business address is 100 B Street, Suite 400, Santa Rosa, CA 95401. I am employed in the County of Sonoma where this service occurs. I am over the age of 18 years and not a party to the within cause.

On the date set forth below, following ordinary business practice, I served a *true copy* of the following document(s):

STATUS CONFERENCE STATEMENT

addressed as follows :

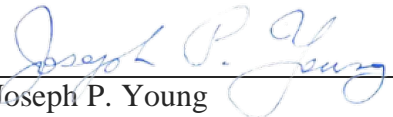
Sean J. Filippini DOWNEY BRAND LLP 621 Capitol Mall, 18 th Floor Sacramento, CA 95814 Telephone: (916) 444.1000 Facsimile: (916) 444.2100 Email: sfilippini@downeybrand.com Sandy Russell, Legal Assistant srussell@DowneyBrand.com	Attorneys for Defendants ANVIL POWER, INC., ANVIL EQUIPMENT COMPANY LP, ANVIL BUILDERS, ANVIL HOLDINGS, INC., ANVIL GROUP, LLC, and ALAN GUY
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- ☐ (BY FIRST CLASS MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Santa Rosa, California.
- ☐ (BY FACSIMILE) I caused such document(s) to be transmitted by facsimile on this date to the offices of the addressee(s).
- ☐ (BY EMAIL-SELF REPRESENTED PARTY) (California Rule of Court, Rule 2.251) – I caused the aforementioned document(s) to be electronically served upon the addressee(s) as indicated above. The email address(es) to be used for electronic service has/have been confirmed and acceptance of electronic service has been agreed, pursuant to the requirements for electronic service. Please contact our office immediately should any recipient object to continued electronic service.
- ☒ (BY EMAIL) (C.C.P. §§ 1010.6(a)(2) and (e)(1 and 2)) – I caused the aforementioned document(s) to be electronically served upon the addressee(s) as indicated above. The email address(es) to be used for electronic service has/have been confirmed and acceptance of electronic service has been agreed, pursuant to the requirements for electronic service. Please contact our office immediately should any recipient object to continued electronic service.
- ☐ (BY ELECTRONIC SERVICE VIA ONE LEGAL) I transmitted a true and correct copy of the document(s) listed above to One Legal to be sent to all parties listed on the Proof of Service. This service complies with local rules and California Rules of Court Rule 2.251. A copy of the One Legal Filing Receipt page will be maintained with the original document(s) in our office.
- ☐ (BY OVERNIGHT DELIVERY) I caused such envelope(s) with postage thereon fully prepaid to be delivered by overnight delivery on this date the offices of the addressee(s).
- ☐ (BY MESSENGER) I served the documents by placing them in an envelope or package addressed to the person(s) at the address(es) listed above and providing them to a messenger for service.

1 ☐ (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand this date to
2 the offices of the addressee(s).

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 DATED: May 13, 2025

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8 Joseph P. Young
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